

U.S. DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

PTC, INC.,

Plaintiff,

V.

CHARTER OAK FIRE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION NO:

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to the provisions of 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b), Defendant, Charter Oak Fire Insurance Company ("Charter Oak"), hereby gives notice of its removal of this action to the United States District Court for the District of Massachusetts from the Superior Court of Massachusetts, in and for Suffolk County, and in support thereof would respectfully show as follows:

1. Charter Oak is a defendant in a civil action brought in the Superior Court of the State of Massachusetts, in and for Suffolk County, styled as *PTC, Inc. v. Charter Oak Fire Insurance Company*, Civil Action No. SUCV2014-03185-G (the “*PTC Suffolk Action*”).

2. Charter Oak was served with a copy of the Summons and Complaint in the *PTC Suffolk* Action on October 17, 2014. A true copy of the Summons and Complaint in the *PTC Suffolk* Action, as served on Charter Oak, is attached to this Notice of Removal as Exhibit "A." Charter Oak's Notice of Removal is filed within thirty (30) days after the receipt by Charter Oak of a copy of the initial pleading setting forth

the claim for relief upon which such action or proceeding is based, as required by 28 U.S.C. § 1446(b).¹

3. The *PTC Suffolk* Action is a suit of a wholly civil nature brought in the Superior Court of the State of Massachusetts, in and for Suffolk County. The United States District Court for the District of Massachusetts is therefore the proper forum and venue to which this action may be removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

4. This Court has original jurisdiction to entertain this action because the only parties to this case are citizens of different states and because PTC, Inc. claims that its likely exposure for potential indemnity and costs of defense exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a). Removal of this action is not prohibited by 28 U.S.C. § 1445.

5. With respect to diversity of citizenship, the plaintiff is located in the Commonwealth of Massachusetts, County of Norfolk.

6. Defendant Charter Oak is a corporation licensed to issue insurance in Massachusetts, with a principal place of business in Hartford, Connecticut.

7. Pursuant to 28 U.S.C. § 1446(d), Charter Oak has filed a notice of the filing of this Notice of Removal (including a copy thereof) with the Clerk of the Superior Court of the Commonwealth of Massachusetts, in and for Suffolk County.

8. Pursuant to 28 U.S.C. § 1447(d), Charter Oak has requested that the Clerk of the Superior Court of the Commonwealth of Massachusetts, in and for Suffolk

¹In filing this Notice of Removal, the defendant does not waive any defenses with regard to service of process or the adequacy of process.

County, provide certified or attested copies of all records and proceedings in the *PTC Suffolk* Action and certified or attested copies of all docket entries thereon. Charter Oak will cause such attested or certified copies of the state court record to be filed with this Court within thirty (30) days hereof as required.

9. Counsel for Charter Oak is duly admitted to practice before this Court and signs this Notice of Removal in accordance with the requirements of Fed. R. Civ. P. 11.

WHEREFORE, the Charter Oak Fire Insurance Company, respectfully requests that the above-referenced action now pending in the Superior Court of the Commonwealth of Massachusetts, in and for Suffolk County, be removed from that Court to the United States District Court for the District of Massachusetts.

Respectfully Submitted,
CHARTER OAK FIRE INSURANCE
COMPANY,
By its attorneys,

MORRISON MAHONEY LLP

/s/ Michael F. Aylward

Michael F. Aylward, #20078
250 Summer Street
Boston, MA 02210
Tel.: (617) 439-7556
Fax.: (617) 342-4913
maylward@morrisonmahoney.com

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2014, I served a copy of the foregoing document upon Steven L. Schreckinger, Esq. and Jane M. Guevremont, Esq., Anderson & Kreiger LLP, One Canal Park, Suite 200, Cambridge, Massachusetts 02141, counsel for the plaintiff.

/s/ Michael F. Aylward

Michael F. Aylward, NH Bar #00468

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO: 14-3185G

PTC, INC.,

Plaintiff,

v.

CHARTER OAK FIRE INSURANCE
COMPANY,

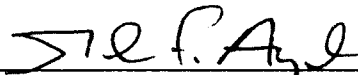
Defendant.

NOTICE OF FILING OF NOTICE OF REMOVAL

Please take notice that a Notice of Removal, a true and accurate copy of which is attached hereto, was filed by the Defendant, Charter Oak Fire Insurance Company, in the office of the Clerk of the United States District Court for the District of Massachusetts, Eastern Division, One Courthouse Way, Boston, Massachusetts, on the 3rd day of November, 2014, relative to the removal and transfer of the above-captioned action.

Respectfully submitted,
CHARTER OAK FIRE INSURANCE
COMPANY,
By its attorneys,

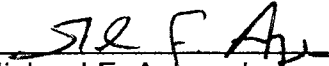
MORRISON MAHONEY LLP



Michael F. Aylward, BBO #024850
250 Summer Street
Boston, MA 02210
Tel: (617) 439-7556
Fax: (617) 342-4913
maylward@morrisonmahoney.com

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2014, I served a copy of the foregoing document upon Steven L. Schreckinger, Esq. and Jane M. Guevremont, Esq., Anderson & Kreiger LLP, One Canal Park, Suite 200, Cambridge, Massachusetts 02141, counsel for the plaintiff.



Michael F. Aylward